IN THE HIGH COURT OF UTTARAKHAND
AT NAINTIAL

Writ Petition No. 503 (SS) of 2007

SICP Jitendra Kumar Rastogi,
S/o of late Sri G.S. Rastogi,
R/o 364-B, Garhi Cantt.,
Thana – Cantt. Dehradun,
at presently posted as Police Station – Rajpur,
Dehradun,
Dsitrict – Dehradun **……..Petitioner.**

Versus

1. State of Uttarakhand through Principal Secretary, (Home), Dehradun, district – Dehradun.
2. Additional Director General of Police (Administration), Uttarakhand, Dehradun
3. State of U.P. through Principal Secretary, Home, (Police). Lucknow.
4. Director General of Police, U.P., Lucknow.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri Rakesh Thapliyal, learned counsel for the petitioner, Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand on behalf of respondent nos. 1 and 2 and Smt. Beena Pande, learned standing counsel for State of Uttar Pradesh on behalf of respondent nos. 3 and 4.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Certiorari quashing the order dated 08.05.2007 passed by respondent no. 2, by which respondent no. 2 has directed to relieve those police personnel, who had opted for State of U.P. and finally allocated for State of U.P. by Union of India and whose case is not under consideration for mutual transfer.

It is disputed that the petitioner is serving in the State of Uttarakhand prior to creation of State of Uttarakhand and after creation of State of Uttarakhand in the year 2001, petitioner has opted for State of Uttarakhand.

Learned counsel for the petitioner has submitted that petitioner was serving in the hill areas of then State of U.P. since 1991. Now, petitioner has been finally allocated to State of Uttar Pradesh in the year 2004. In pursuance to the final allocation order, respondent no. 2 has passed impugned relieving order on 08.05.2007. For certain reasons order for final allocation could not be given effect in the year 2004.

Learned counsel for the petitioner has further submitted that prior to passing of impugned order petitioner has made representation on 10.04.2007 with a prayer to permit him to continue to work in the State of Uttarakhand and also for consideration of his case for mutual transfer on the ground that he is mentally ill and during his service tenure he was admitted in Bareilly Hospital. Petitioner has constructed a house in Dehradun and family of the petitioner is residing at Dehradun. At this juncture, he requires family assistance, which can be provided to him only in case he is retained in the State of Uttarakhand.

Representation has already been moved by the petitioner addressed to Senior Superintendent of Police, Dehradun, who is not competent authority.

I do not find by sufficient ground to interfere with the impugned order under Article 226 of the Constitution of India and further to interfere with the policy adopted by State of

Uttarakhand for relieving the personnel in pursuance to the Final Allocation List made by Union of India.

Writ petition lacks of merit, as such, is dismissed *in limine.* Stay application no. nil of 2007 is rejected accordingly.

(M.M. Ghildiyal, J)

May 14, 2007
SKSharma